

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Don Lane Hill, Sr. #1489,

Plaintiff,

v.

Bodiford, *Jail Admin*,
Major Stowers,
Capt. Pendergrass,

Defendants.

C/A No.: 4:20-2254-BHH

ORDER

This matter is before the Court for review of the Report and Recommendation (“Report”) of United States Magistrate Judge Thomas E. Rogers, III, which was made in accordance with 28 U.S.C. § 636(b) and Local Rule 73.02 for the District of South Carolina. On August 7, 2020, the Magistrate Judge issued his Report, recommending that this case be dismissed with prejudice and without issuance and service of process, noting that Plaintiff was given the opportunity to amend and failed to cure the identified deficiencies by filing an amended complaint. (See ECF No. 13.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made.

To date, Plaintiff has not filed objections. In the absence of objections to the Magistrate Judge’s Report, this Court is not required to provide an explanation for

adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 and advisory committee’s note).

Here, because no objections have been filed, the Court has reviewed the Magistrate Judge’s findings and recommendations for clear error. Finding none, the Court agrees with the Magistrate Judge that Plaintiff’s claims against Defendants are subject to dismissal for the reasons stated in the Report. Accordingly, the Court adopts the Report (ECF No. 13) and incorporates it herein by reference. For the reasons explained by the Magistrate Judge, this action is DISMISSED *with prejudice* and without issuance and service of process.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

August 27, 2020
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.